

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEAN-CLAUDE WEST,

Plaintiff,

vs.

MARTINEZ, *et al.*,

Defendants.

Case No.: 2:23-cv-01489-GMN-EJY

ORDER ADOPTING R&R

Magistrate Judge Elayna J. Youchah entered an Order, (ECF No. 12), dismissing Plaintiff's Complaint, (ECF No. 1-1), without prejudice and with leave to amend, with the exception of Plaintiff's claims against Defendants in their official capacity seeking money damages. The same docket entry also included a Report and Recommendation (R&R), (ECF No. 12), recommending that Plaintiff's claims against Defendants in their official capacities seeking money damages be dismissed with prejudice because they are barred as a matter of law. Plaintiff filed a Motion to Extend Time to File Amended Complaint, (ECF No. 13), but did not object to the R&R.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate

1 judge's report and recommendation where no objections have been filed. *See, e.g., United*
2 *States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

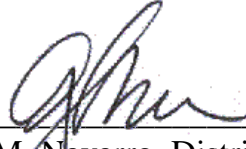
3 Here, no objections to the R&R were filed, and the deadline to do so has passed. (*See*
4 Order and R&R 6:10–18, ECF No. 12) (noting 14-day deadline) (entered on March 4, 2024).
5 The Court therefore ADOPTS the R&R in full.

6 Accordingly,

7 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 12), is
8 **ADOPTED in full.**

9 **IT IS FURTHER ORDERED** that Plaintiff's claims against Defendants in their official
10 capacities seeking money damages are **DISMISSED with prejudice.**

11
12 Dated this 2 day of April, 2024.

13
14 
15 _____
16 Gloria M. Navarro, District Judge
17 United States District Court
18
19
20
21
22
23
24
25